

Senate File 113 - Enrolled

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SENATE FILE 113

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AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 4.1, subsection 39, unnumbered
paragraph 1, Code 2005, is amended to read as follows:

The words "written" and "in writing" may include any mode
of representing words or letters in general use, and include
an electronic record as defined in section 554D.103. A
signature, when required by law, must be made by the writing
or markings of the person whose signature is required.
"Signature" includes an electronic ~~or digital~~ signature as
defined in section 554D.103. If a person is unable due to a
physical disability to make a written signature or mark, that
person may substitute either of the following in lieu of a
signature required by law:

Sec. 2. Section 10B.4, subsection 1, Code 2005, is amended
to read as follows:

1. A biennial report shall be filed by a reporting entity
with the secretary of state on or before March 31 of each odd=
numbered year as required by rules adopted by the secretary of
state pursuant to chapter 17A. However, a reporting entity
required to file a biennial report pursuant to chapter 490,
496C, 497, 498, 499, 501, 504, or 504A shall file the report
required by this section in the same year as required by that
chapter. The reporting entity may file the report required by
this section together with the biennial report required to be
filed by one of the other chapters referred to in this
subsection. The reports shall be filed on forms prepared and
supplied by the secretary of state. The secretary of state
may provide for combining its reporting forms with other
biennial reporting forms required to be used by the reporting
entities.

Sec. 3. Section 10B.7, unnumbered paragraph 1, Code 2005,
is amended to read as follows:

Lessees of agricultural land under section 9H.4, subsection
2, paragraph "c", for research or experimental purposes, shall
file a biennial report with the secretary of state on or
before March 31 of each odd-numbered year on forms adopted
pursuant to chapter 17A and supplied by the secretary of
state. However, a lessee required to file a biennial report
pursuant to chapter 490, 496C, 497, 498, 499, 501, 504, or
504A shall file the report required by this section in the
same year as required by that chapter. The lessee may file
the report required by this section together with the biennial
report required to be filed by one of the other chapters
referred to in this paragraph. The report shall contain the
following information for the reporting period:

Sec. 4. Section 10C.6, subsection 1, paragraph a,
unnumbered paragraph 1, Code 2005, is amended to read as
follows:

A life science enterprise may acquire or hold agricultural
land, notwithstanding section 10C.5, ~~as that section exists in~~
~~the 2005 Code 2005~~, if all of the following apply:

Sec. 5. Section 10C.6, subsection 1, paragraph a,
subparagraph (2), Code 2005, is amended to read as follows:

(2) The enterprise acquires or holds the agricultural land
pursuant to chapter 10C, ~~as that chapter exists in the 2005~~
~~Code 2005~~.

Sec. 6. Section 10C.6, subsection 2, unnumbered paragraph
1, Code 2005, is amended to read as follows:

A person who is a successor in interest to a life science
enterprise may acquire or hold agricultural land,
notwithstanding section 10C.5, ~~as that section exists in the~~
~~2003 Code or 2003 or Code Supplement 2003~~, if all of the
following apply:

Sec. 7. Section 10C.6, subsection 2, paragraph a, Code
2005, is amended to read as follows:

a. The person meets the qualifications of a life science
enterprise and acquires or holds the agricultural land as
provided in chapter 10C, ~~as that chapter exists in the 2003~~

3 6 Code or 2003 or Code Supplement 2003.

3 7 Sec. 8. Section 12.71, subsections 1 and 7, Code 2005, are
3 8 amended to read as follows:

3 9 1. The treasurer of state may issue bonds upon the request
3 10 of the vision Iowa board created in section 15F.102 and do all
3 11 things necessary with respect to the purposes of the vision
3 12 Iowa fund. The treasurer of state shall have all of the
3 13 powers which are necessary to issue and secure bonds and carry
3 14 out the purposes of the fund. The treasurer of state may
3 15 issue bonds in principal amounts which, in the opinion of the
3 16 board, are necessary to provide sufficient funds for the
3 17 vision Iowa fund created in section 12.72, the payment of
3 18 interest on the bonds, the establishment of reserves to secure
3 19 the bonds, the costs of issuance of the bonds, other
3 20 expenditures of the treasurer of state incident to and
3 21 necessary or convenient to carry out the bond issue for the
3 22 fund, and all other expenditures of the board necessary or
3 23 convenient to administer the fund; provided, however,
3 24 excluding the issuance of refunding bonds, bonds issued
3 25 pursuant to this section shall not be issued in an aggregate
3 26 principal amount which exceeds three hundred million dollars.
3 27 The bonds are investment securities and negotiable instruments
3 28 within the meaning of and for purposes of the uniform
3 29 commercial code, chapter 554.

3 30 7. Neither the resolution, trust agreement, nor any other
3 31 instrument by which a pledge is created needs to be recorded
3 32 or filed under the Iowa uniform commercial code, chapter 554,
3 33 to be valid, binding, or effective.

3 34 Sec. 9. Section 12.81, subsections 1 and 7, Code 2005, are
3 35 amended to read as follows:

4 1 1. The treasurer of state may issue bonds for purposes of
4 2 the school infrastructure program established in section
4 3 292.2. Excluding the issuance of refunding bonds, the
4 4 treasurer of state shall not issue bonds which result in the
4 5 deposit of bond proceeds of more than fifty million dollars
4 6 into the school infrastructure fund. The treasurer of state
4 7 shall have all of the powers which are necessary to issue and
4 8 secure bonds and carry out the purposes of the fund. The
4 9 treasurer of state may issue bonds in principal amounts which
4 10 are necessary to provide funds for the fund as provided by
4 11 this section, the payment of interest on the bonds, the
4 12 establishment of reserves to secure the bonds, the costs of
4 13 issuance of the bonds, other expenditures of the treasurer of
4 14 state incident to and necessary or convenient to carry out the
4 15 bond issue for the fund, and all other expenditures of the
4 16 treasurer of state necessary or convenient to administer the
4 17 fund. The bonds are investment securities and negotiable
4 18 instruments within the meaning of and for purposes of the
4 19 uniform commercial code, chapter 554.

4 20 7. Neither the resolution, trust agreement, nor any other
4 21 instrument by which a pledge is created needs to be recorded
4 22 or filed under the Iowa uniform commercial code, chapter 554,
4 23 to be valid, binding, or effective.

4 24 Sec. 10. Section 12E.11, subsection 2, Code 2005, is
4 25 amended to read as follows:

4 26 2. The authority may issue its bonds in principal amounts
4 27 which, in the opinion of the authority, are necessary to
4 28 provide sufficient funds for achievement of its purposes, the
4 29 payment of interest on its bonds, the establishment of
4 30 reserves to secure the bonds, the costs of issuance of its
4 31 bonds, and all other expenditures of the authority incident to
4 32 and necessary to carry out its purposes or powers. The bonds
4 33 are investment securities and negotiable instruments within
4 34 the meaning of and for the purposes of the uniform commercial
4 35 code, chapter 554.

5 1 Sec. 11. Section 12E.16, Code 2005, is amended to read as
5 2 follows:

5 3 12E.16 BANKRUPTCY.

5 4 Prior to the date which is three hundred sixty-six days
5 5 after which the authority no longer has any bonds outstanding,
5 6 the authority is prohibited from filing a voluntary petition
5 7 under chapter ~~9~~ nine of the federal bankruptcy code, 11 U.S.C.
5 8 } 901 et seq., or such corresponding chapter or section as
5 9 may, from time to time, be in effect, and a public official or
5 10 organization, entity, or other person shall not authorize the
5 11 authority to be or become a debtor under chapter ~~9~~ nine or any
5 12 successor or corresponding chapter or sections during such
5 13 periods. The provisions of this section shall be part of any
5 14 contractual obligation owed to the holders of bonds issued
5 15 under this chapter. Any such contractual obligation shall not
5 16 subsequently be modified by state law, during the period of

5 17 the contractual obligation.

5 18 Sec. 12. Section 16.26, subsection 1, Code 2005, is
5 19 amended to read as follows:

5 20 1. The authority may issue its negotiable bonds and notes
5 21 in principal amounts as, in the opinion of the authority, are
5 22 necessary to provide sufficient funds for achievement of its
5 23 corporate purposes, the payment of interest on its bonds and
5 24 notes, the establishment of reserves to secure its bonds and
5 25 notes, and all other expenditures of the authority incident to
5 26 and necessary or convenient to carry out its purposes and
5 27 powers. The bonds and notes shall be deemed to be investment
5 28 securities and negotiable instruments within the meaning of
5 29 and for all purposes of the uniform commercial code, chapter
5 30 554.

5 31 Sec. 13. Section 16.105, subsection 10, Code 2005, is
5 32 amended to read as follows:

5 33 10. It is the intention of the general assembly that a
5 34 pledge made in respect of bonds or notes shall be valid and
5 35 binding from the time the pledge is made, that the money or
6 1 property so pledged and received after the pledge by the
6 2 authority shall immediately be subject to the lien of the
6 3 pledge without physical delivery or further act, and that the
6 4 lien of the pledge shall be valid and binding as against all
6 5 parties having claims of any kind in tort, contract, or
6 6 otherwise against the authority whether or not the parties
6 7 have notice of the lien. Neither the resolution, trust
6 8 agreement, nor any other instrument by which a pledge is
6 9 created needs to be recorded or filed under the Iowa uniform
6 10 commercial code, chapter 554, to be valid, binding, or
6 11 effective against the parties.

6 12 Sec. 14. Section 16.177, subsections 1 and 7, Code 2005,
6 13 are amended to read as follows:

6 14 1. The authority is authorized to issue its bonds to
6 15 provide prison infrastructure financing as provided in this
6 16 section. The bonds may only be issued to finance projects
6 17 which have been approved for financing by the general
6 18 assembly. Bonds may be issued in order to fund the
6 19 construction and equipping of a project or projects, the
6 20 payment of interest on the bonds, the establishment of
6 21 reserves to secure the bonds, the costs of issuance of the
6 22 bonds and other expenditures incident to or necessary or
6 23 convenient to carry out the bond issue. The bonds are
6 24 investment securities and negotiable instruments within the
6 25 meaning of and for the purposes of the uniform commercial
6 26 code, chapter 554.

6 27 7. Neither the resolution or trust agreement, nor any
6 28 other instrument by which a pledge is created is required to
6 29 be recorded or filed under the uniform commercial code,
6 30 chapter 554, to be valid, binding, or effective.

6 31 Sec. 15. Section 17A.1, subsection 2, unnumbered paragraph
6 32 2, Code 2005, is amended to read as follows:

6 33 ~~The purposes of the Iowa administrative procedure Act this~~
6 34 ~~chapter~~ are: To provide legislative oversight of powers and
6 35 duties delegated to administrative agencies; to increase
7 1 public accountability of administrative agencies; to simplify
7 2 government by assuring a uniform minimum procedure to which
7 3 all agencies will be held in the conduct of their most
7 4 important functions; to increase public access to governmental
7 5 information; to increase public participation in the
7 6 formulation of administrative rules; to increase the fairness
7 7 of agencies in their conduct of contested case proceedings;
7 8 and to simplify the process of judicial review of agency
7 9 action as well as increase its ease and availability. In
7 10 accomplishing its objectives, the intention of this chapter is
7 11 to strike a fair balance between these purposes and the need
7 12 for efficient, economical and effective government
7 13 administration. The chapter is not meant to alter the
7 14 substantive rights of any person or agency. Its impact is
7 15 limited to procedural rights with the expectation that better
7 16 substantive results will be achieved in the everyday conduct
7 17 of state government by improving the process by which those
7 18 results are attained.

7 19 Sec. 16. Section 17A.23, unnumbered paragraph 2, Code
7 20 2005, is amended to read as follows:

7 21 ~~The Iowa administrative procedure Act This chapter~~ shall be
7 22 construed broadly to effectuate its purposes. This chapter
7 23 shall also be construed to apply to all agencies not expressly
7 24 exempted by this chapter or by another statute specifically
7 25 referring to this chapter by name; and except as to
7 26 proceedings in process on July 1, 1975, this chapter shall be
7 27 construed to apply to all covered agency proceedings and all

7 28 agency action not expressly exempted by this chapter or by
7 29 another statute specifically referring to this chapter by
7 30 name.

7 31 Sec. 17. Section 29B.82, Code 2005, is amended to read as
7 32 follows:

7 33 29B.82 DESERTION.

7 34 1. Any member of the state military forces who does any of
7 35 the following is guilty of desertion:

8 1 ~~1.~~ a. Without authority goes or remains absent from the
8 2 member's unit, organization, or place of duty with intent to
8 3 remain away therefrom permanently~~+~~.

8 4 ~~2.~~ b. Quits the member's unit, organization or place of
8 5 duty with intent to avoid hazardous duty or to shirk important
8 6 services~~+~~ ~~or.~~

8 7 ~~3.~~ c. Without being regularly separated from one of the
8 8 state military forces enlists or accepts an appointment in the
8 9 same or another one of the state military forces, or in one of
8 10 the armed forces of the United States, without duly disclosing
8 11 the fact that the member has not been regularly separated~~+~~ ~~is~~
8 12 ~~guilty of desertion.~~

8 13 2. Any commissioned officer of the state military forces
8 14 who, after tender of the officer's resignation and before
8 15 notice of its acceptance, quits a post or proper duties
8 16 without leave and with intent to remain away therefrom
8 17 permanently is guilty of desertion.

8 18 3. Any person found guilty of desertion or attempt to
8 19 desert shall be punished as a court-martial may direct.

8 20 Sec. 18. Section 68A.406, subsection 3, Code 2005, is
8 21 amended to read as follows:

8 22 3. Yard signs with dimensions of thirty-two square feet or
8 23 less are exempt from the attribution statement requirement in
8 24 section 68A.405. Campaign signs in excess of thirty-two
8 25 square feet, or signs that are affixed to buildings or
8 26 vehicles regardless of size except for bumper stickers, are
8 27 required to include the attribution statement required by
8 28 section 68A.405. The placement or erection of yard signs
8 29 shall be exempt from the requirements of chapter 480 relating
8 30 to underground facilities organization information.

8 31 Sec. 19. Section 68A.503, subsection 4, paragraph a, Code
8 32 2005, is amended to read as follows:

8 33 a. Using its funds to encourage registration of voters and
8 34 participation in the political process or to publicize public
8 35 issues, ~~but does not use any provided that no~~ part of those
9 1 contributions are used to expressly advocate the nomination,
9 2 election, or defeat of any candidate for public office.

9 3 Sec. 20. Section 76.16, Code 2005, is amended to read as
9 4 follows:

9 5 76.16 DEBTOR STATUS PROHIBITED.

9 6 A city, county, or other political subdivision of this
9 7 state shall not be a debtor under chapter ~~9~~ nine of the
9 8 federal Bankruptcy Code, 11 U.S.C. } 901 et seq., except as
9 9 otherwise specifically provided in this chapter.

9 10 Sec. 21. Section 76.16A, unnumbered paragraph 1, Code
9 11 2005, is amended to read as follows:

9 12 A city, county, or other political subdivision may become a
9 13 debtor under chapter ~~9~~ nine of the federal Bankruptcy Code, 11
9 14 U.S.C. } 901 et seq., if it is rendered insolvent, as defined
9 15 in 11 U.S.C. } 101(32)(c), as a result of a debt involuntarily
9 16 incurred. As used herein, "debt" means an obligation to pay
9 17 money, other than pursuant to a valid and binding collective
9 18 bargaining agreement or previously authorized bond issue, as
9 19 to which the governing body of the city, county, or other
9 20 political subdivision has made a specific finding set forth in
9 21 a duly adopted resolution of each of the following:

9 22 Sec. 22. Section 97B.1A, subsection 11, paragraph b, Code
9 23 2005, is amended to read as follows:

9 24 b. If the member has not attained seventy years of age,
9 25 has terminated all employment covered under ~~the~~ this chapter
9 26 or formerly covered under ~~the~~ this chapter pursuant to section
9 27 97B.42 in the month prior to the member's first month of
9 28 entitlement.

9 29 Sec. 23. Section 97C.2, subsection 4, Code 2005, is
9 30 amended to read as follows:

9 31 4. The term "Federal Insurance Contributions Act" means
9 32 subchapter "A" of chapter ~~9~~ nine of the federal Internal
9 33 Revenue Code as such code has been and may from time to time
9 34 be amended.

9 35 Sec. 24. Section 99D.2, subsection 9, Code 2005, is
10 1 amended to read as follows:

10 2 9. "Wagering area" means that portion of a racetrack in
10 3 which a licensee may receive wagers of money from a person

10 4 present in a licensed ~~racing racetrack~~ enclosure on a horse or
10 5 dog in a race selected by the person making the wager as
10 6 designated by the commission.

10 7 Sec. 25. Section 99D.11, subsection 3, Code 2005, is
10 8 amended to read as follows:

10 9 3. The licensee may receive wagers of money only from a
10 10 person present in a licensed ~~racing racetrack~~ enclosure on a
10 11 horse or dog in the race selected by the person making the
10 12 wager to finish first in the race. The person wagering shall
10 13 acquire an interest in the total money wagered on all horses
10 14 or dogs in the race as first winners in proportion to the
10 15 amount of money wagered by the person.

10 16 Sec. 26. Section 99D.13, subsection 3, paragraph c,
10 17 unnumbered paragraph 1, Code 2005, is amended to read as
10 18 follows:

10 19 For purposes of this subsection, "qualified harness racing
10 20 track" means a harness racing track that has either held at
10 21 least one harness race ~~meet meeting~~ between July 1, 1985, and
10 22 July 1, 1989, or after July 1, 1989, has applied to and been
10 23 approved by the racing commission for the allocation of funds
10 24 under this subsection. The racing commission shall approve an
10 25 application if the harness racing track has held at least one
10 26 harness race ~~meet meeting~~ during the year preceding the year
10 27 for which the track seeks funds under this subsection.

10 28 Sec. 27. Section 99D.20, Code 2005, is amended to read as
10 29 follows:

10 30 99D.20 AUDIT OF LICENSEE OPERATIONS.

10 31 Within ninety days after the end of each race ~~meet meeting~~,
10 32 the licensee shall transmit to the commission an audit of the
10 33 financial transactions and condition of the licensee's
10 34 operations conducted under this chapter. Additionally, within
10 35 ninety days after the end of the licensee's fiscal year, the
11 1 licensee shall transmit to the commission an audit of the
11 2 licensee's total racing and gaming operations, including an
11 3 itemization of all expenses and subsidies. All audits shall
11 4 be conducted by certified public accountants registered in the
11 5 state of Iowa under chapter 542 who are selected by the board
11 6 of supervisors of the county in which the licensee operates.

11 7 Sec. 28. Section 99F.4C, subsection 2, Code 2005, is
11 8 amended to read as follows:

11 9 2. For purposes of this section, the "applicable area"
11 10 means that portion of the city of Des Moines in Polk county
11 11 bounded by a line commencing at the point East Euclid avenue
11 12 intersects East Fourteenth street, then proceeding south along
11 13 East Fourteenth street and Southeast Fourteenth street until
11 14 it intersects Park avenue, then proceeding west along Park
11 15 avenue until it intersects Fleur drive, then proceeding north
11 16 along Fleur drive until it intersects Eighteenth street, then
11 17 proceeding north along Eighteenth street until it intersects
11 18 Ingersoll avenue, then proceeding west along Ingersoll avenue
11 19 until it intersects Martin Luther King Jr. parkway, then
11 20 proceeding northerly along Martin Luther King Jr. parkway
11 21 until it intersects Euclid avenue, then proceeding east along
11 22 Euclid avenue and East Euclid avenue to the point of origin.

11 23 For purposes of this section, such reference to a street or
11 24 other boundary means such street or boundary as ~~they were it~~
11 25 ~~was~~ delineated on the official Pub. L. No. 94=171 census maps
11 26 used for redistricting following the 2000 United States
11 27 decennial census.

11 28 Sec. 29. Section 124.308, subsection 2, Code 2005, is
11 29 amended to read as follows:

11 30 2. A practitioner, other than a pharmacy, or a
11 31 practitioner's authorized agent may transmit an electronic
11 32 prescription or facsimile prescription to a pharmacy for a
11 33 schedule II controlled substance, provided that the ~~electronic~~
11 34 prescription complies with section 155A.27 and provided that
11 35 the original signed prescription is presented to the
12 1 pharmacist prior to the dispensing of the schedule II
12 2 controlled substance. If permitted by federal law, and in
12 3 accordance with federal requirements, the electronic or
12 4 facsimile prescription shall serve as the original signed
12 5 prescription and the practitioner shall not provide the
12 6 patient or the patient's authorized representative with a
12 7 signed, written prescription.

12 8 Sec. 30. Section 135.31, Code 2005, is amended to read as
12 9 follows:

12 10 135.31 LOCATION OF BOARDS == RULEMAKING.

12 11 The offices for the state board of medical examiners, the
12 12 state board of pharmacy examiners, the state board of nursing
12 13 ~~examiners~~, and the state board of dental examiners shall be
12 14 located within the department of public health. The

12 15 individual boards shall have policymaking and rulemaking
12 16 authority.

12 17 Sec. 31. Section 135.146, subsection 1, Code 2005, is
12 18 amended to read as follows:

12 19 1. In the event that federal funding is received for
12 20 administering vaccinations for first responders, the
12 21 department shall offer a vaccination program for first
12 22 responders who may be exposed to infectious diseases when
12 23 deployed to disaster locations. For purposes of this section,
12 24 "first responder" means state and local law enforcement
12 25 personnel, fire department personnel, and emergency medical
12 26 personnel who will be deployed to sites of bioterrorism
12 27 attacks, terrorist attacks, catastrophic or natural disasters,
12 28 and other disasters. The vaccinations shall include, but not
12 29 be limited to, vaccinations for hepatitis B,
12 30 ~~diphtheria-tetanus diphtheria, tetanus~~, influenza, and other
12 31 vaccinations when recommended by the United States public
12 32 health service and in accordance with federal emergency
12 33 management agency policy. Immune globulin will be made
12 34 available when necessary.

12 35 Sec. 32. Section 135J.1, unnumbered paragraph 1, Code
13 1 2005, is amended to read as follows:

13 2 For the purposes of this ~~division chapter~~ unless otherwise
13 3 defined:

13 4 Sec. 33. Section 135J.2, unnumbered paragraph 1, Code
13 5 2005, is amended to read as follows:

13 6 A person or governmental unit, acting severally or jointly
13 7 with any other person may establish, conduct, or maintain a
13 8 hospice program in this state and receive license from the
13 9 department after meeting the requirements of this ~~division~~
13 10 ~~chapter~~. The application shall be on a form prescribed by the
13 11 department and shall require information the department deems
13 12 necessary. Nothing in this ~~division chapter~~ shall prohibit a
13 13 person or governmental unit from establishing, conducting, or
13 14 maintaining a hospice program without a license. Each
13 15 application for license shall be accompanied by a
13 16 nonrefundable biennial license fee determined by the
13 17 department.

13 18 Sec. 34. Section 135J.5, Code 2005, is amended to read as
13 19 follows:

13 20 135J.5 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES.

13 21 The department may deny, suspend, or revoke a license if
13 22 the department determines there is failure of the program to
13 23 comply with this ~~division chapter~~ or the rules adopted under
13 24 this ~~division chapter~~. The suspension or revocation may be
13 25 appealed under chapter 17A. The department may reissue a
13 26 license following a suspension or revocation after the hospice
13 27 corrects the conditions upon which the suspension or
13 28 revocation was based.

13 29 Sec. 35. Section 135J.7, Code 2005, is amended to read as
13 30 follows:

13 31 135J.7 RULES.

13 32 Except as otherwise provided in this ~~division chapter~~, the
13 33 department shall adopt rules pursuant to chapter 17A necessary
13 34 to implement this ~~division chapter~~, subject to approval of the
13 35 state board of health. Formulation of the rules shall include
14 1 consultation with Iowa hospice organization representatives
14 2 and other persons affected by ~~the division this chapter~~.

14 3 Sec. 36. Section 147.14, subsection 3, Code 2005, is
14 4 amended to read as follows:

14 5 3. For ~~the board of~~ nursing ~~examiners~~, four registered
14 6 nurses, two of whom shall be actively engaged in practice, two
14 7 of whom shall be nurse educators from nursing education
14 8 programs; of these, one in higher education and one in area
14 9 community and vocational-technical registered nurse education;
14 10 one licensed practical nurse actively engaged in practice; and
14 11 two members not registered nurses or licensed practical nurses
14 12 and who shall represent the general public. The
14 13 representatives of the general public shall not be members of
14 14 health care delivery systems. A majority of the members of
14 15 the board constitutes a quorum.

14 16 Sec. 37. Section 147.152, subsection 2, Code 2005, is
14 17 amended to read as follows:

14 18 2. Hearing aid fitting, the dispensing or sale of hearing
14 19 aids and the providing of hearing aid service and maintenance
14 20 by a hearing aid ~~dealer dispenser~~ or holder of a temporary
14 21 permit as defined and licensed under chapter 154A.

14 22 Sec. 38. Section 147.152, unnumbered paragraph 2, Code
14 23 2005, is amended to read as follows:

14 24 A person exempted from the provisions of this division by
14 25 this section shall not use the title speech pathologist or

14 26 audiologist or any title or device indicating or representing
14 27 in any manner that the person is a speech pathologist or is an
14 28 audiologist; provided, a hearing aid ~~dealer dispenser~~ licensed
14 29 under chapter 154A may use the title "certified hearing aid
14 30 audiologist" when granted by the national hearing aid society;
14 31 and provided, persons who meet the requirements of section
14 32 147.153, subsection 1, who are certified by the department of
14 33 education as speech clinicians may use the title speech
14 34 pathologist and persons who meet the requirements of section
14 35 147.153, subsection 2, who are certified by the department of
15 1 education as hearing clinicians may use the title audiologist,
15 2 while acting within the scope of their employment.

15 3 Sec. 39. Section 157.3A, unnumbered paragraph 1, Code
15 4 2005, is amended to read as follows:

15 5 In addition to the license requirements of section 157.3,
15 6 ~~as provided in this section,~~ a written application and proof
15 7 of additional training and certification shall be required
15 8 prior to approval by the board for the provision of the
15 9 services described in this section.

15 10 Sec. 40. Section 162.2, subsection 6, Code 2005, is
15 11 amended to read as follows:

15 12 6. "Commercial breeder" means a person, engaged in the
15 13 business of breeding dogs or cats, who sells, exchanges, or
15 14 leases dogs or cats in return for consideration, or who offers
15 15 to do so, whether or not the animals are raised, trained,
15 16 groomed, or boarded by the person. A person who owns or
15 17 harbors three or ~~less fewer~~ breeding males or females is not a
15 18 commercial breeder. However, a person who breeds or harbors
15 19 more than three breeding male or female greyhounds for the
15 20 purposes of using them for pari-mutuel racing shall be
15 21 considered a commercial breeder irrespective of whether the
15 22 person sells, leases, or exchanges the greyhounds for
15 23 consideration or offers to do so.

15 24 Sec. 41. Section 165B.5, subsection 4, paragraph d, Code
15 25 2005, is amended to read as follows:

15 26 d. The department shall be reimbursed by the owner of the
15 27 poultry or property for costs required to carry out this
15 28 subsection. However, if the enforcement action is brought due
15 29 to the activity of a law enforcement officer of a political
15 30 subdivision, the political subdivision shall be reimbursed by
15 31 the owner of the poultry or property for those costs. The
15 32 department or political subdivision shall certify the amount
15 33 to the county auditor of any county in which the owner is a
15 34 titleholder of real property. The amount shall be placed upon
15 35 the tax books ~~which~~ and shall be a lien upon the real
16 1 property, and collected with interest and penalties after due,
16 2 in the same manner as other unpaid property taxes.

16 3 Sec. 42. Section 167.4, subsection 3, Code 2005, is
16 4 amended to read as follows:

16 5 3. The person shall submit a separate application for each
16 6 location that the person is to operate as a disposal plant,
16 7 collection point, or a delivery service.

16 8 Sec. 43. Section 167.15, subsection 2, Code 2005, is
16 9 amended to read as follows:

16 10 2. The department shall provide for the inspection of
16 11 delivery vehicles used to transport carcasses or offal
16 12 material, and for the inspection of disposal plants,
16 13 collection points, or other locations in which carcasses or
16 14 offal material is stored or processed before being delivered
16 15 to a disposal plant.

16 16 Sec. 44. Section 173.14B, subsections 2 and 7, Code 2005,
16 17 are amended to read as follows:

16 18 2. The board may issue negotiable bonds and notes of the
16 19 authority in principal amounts which are necessary to provide
16 20 sufficient funds for achievement of its corporate purposes,
16 21 the payment of interest on its bonds and notes, the
16 22 establishment of reserves to secure its bonds and notes, and
16 23 all other expenditures of the board incident to and necessary
16 24 or convenient to carry out its purposes and powers, subject to
16 25 authorization and approval required under subsection 1.
16 26 However, the total principal amount of bonds and notes
16 27 outstanding at any time under subsection 1 and this subsection
16 28 shall not exceed twenty-five million dollars. The bonds and
16 29 notes are deemed to be investment securities and negotiable
16 30 instruments within the meaning of and for all purposes of the
16 31 uniform commercial code, chapter 554.

16 32 7. A copy of each pledge agreement by or to the authority,
16 33 including without limitation each bond resolution, indenture
16 34 of trust, or similar agreement, or any revisions or
16 35 supplements to it shall be filed with the secretary of state
17 1 and no further filing or other action under article 9 of the

17 2 uniform commercial code as provided in chapter 554, or any
17 3 other law of the state is required to perfect the security
17 4 interest in the collateral or any additions to it or
17 5 substitutions for it, and the lien and trust so created is
17 6 binding from and after the time it is made against all parties
17 7 having claims of any kind in tort, contract, or otherwise
17 8 against the pledgor.

17 9 Sec. 45. Section 175.17, subsections 1 and 7, Code 2005,
17 10 are amended to read as follows:

17 11 1. The authority may issue its negotiable bonds and notes
17 12 in principal amounts which, in the opinion of the authority,
17 13 are necessary to provide sufficient funds for achievement of
17 14 its corporate purposes, the payment of interest on its bonds
17 15 and notes, the establishment of reserves to secure its bonds
17 16 and notes and all other expenditures of the authority incident
17 17 to and necessary or convenient to carry out its purposes and
17 18 powers. The bonds and notes shall be deemed to be investment
17 19 securities and negotiable instruments within the meaning of
17 20 and for all purposes of the uniform commercial code, chapter
17 21 554.

17 22 7. A copy of each pledge agreement by or to the authority,
17 23 including without limitation each bond resolution, indenture
17 24 of trust or similar agreement, or any revisions or supplements
17 25 to it shall be filed with the secretary of state and no
17 26 further filing or other action under article 9 of the uniform
17 27 commercial code as provided in chapter 554, or any other law
17 28 of the state shall be required to perfect the security
17 29 interest in the collateral or any additions to it or
17 30 substitutions for it and the lien and trust so created shall
17 31 be binding from and after the time made against all parties
17 32 having claims of any kind in tort, contract or otherwise
17 33 against the pledgor.

17 34 Sec. 46. Section 181.17, Code 2005, is amended to read as
17 35 follows:

18 1 181.17 PRODUCERS NOT MEMBERS.

18 2 A producer who is not a member of the Iowa beef cattle
18 3 producers association shall be entitled to vote in elections
18 4 of persons to be members of the ~~executive committee~~ council in
18 5 the same manner as if the producer were a member. The members
18 6 elected to the ~~executive committee~~ council shall elect from
18 7 their number the officers referred to in section 181.1A.

18 8 Sec. 47. Section 181.18, Code 2005, is amended to read as
18 9 follows:

18 10 181.18 RULES.

18 11 All rules of the ~~executive committee~~ council heretofore or
18 12 hereinafter promulgated shall be subject to the provisions of
18 13 chapter 17A.

18 14 Sec. 48. Section 216A.156, Code 2005, is amended to read
18 15 as follows:

18 16 216A.156 REVIEW OF GRANT APPLICATIONS AND BUDGET REQUESTS.

18 17 Before the submission of an application, a state
18 18 ~~departments and agencies~~ department or agency shall consult
18 19 with the commission concerning ~~applications~~ an application for
18 20 federal funding that will have its primary effect on persons
18 21 of Asian and Pacific Islander heritage in Iowa. The
18 22 commission shall advise the governor and the director of
18 23 revenue concerning any state agency budget request that will
18 24 have its primary effect on persons of Asian and Pacific
18 25 Islander heritage in Iowa.

18 26 Sec. 49. Section 216E.7, Code 2005, is amended to read as
18 27 follows:

18 28 216E.7 EXEMPTIONS.

18 29 This chapter does not apply to a hearing aid sold, leased,
18 30 or transferred to a consumer by an audiologist licensed under
18 31 chapter 147, or a hearing aid ~~dealer~~ dispenser licensed under
18 32 chapter 154A, if the audiologist or ~~dealer~~ dispenser provides
18 33 either an express warranty for the hearing aid or provides for
18 34 service and replacement of the hearing aid.

18 35 Sec. 50. Section 217.41, subsection 1, Code 2005, is
19 1 amended to read as follows:

19 2 1. The department of human services shall cause a refugee
19 3 services foundation to be created for the sole purpose of
19 4 engaging in refugee resettlement activities to promote the
19 5 welfare and self-sufficiency of refugees who live in Iowa and
19 6 who are not citizens of the United States. The foundation may
19 7 establish an endowment fund to assist in the financing of its
19 8 activities. The foundation shall be incorporated under
19 9 chapter 504 or 504A.

19 10 Sec. 51. Section 218.28, Code 2005, is amended to read as
19 11 follows:

19 12 218.28 INVESTIGATION.

19 13 The administrator of the department of human services in
19 14 control of a particular institution or the administrator's
19 15 authorized officer or employee shall visit, and minutely
19 16 examine, at least once in six months, and ~~oftener~~ more often
19 17 if necessary or required by law, the institutions under such
19 18 administrator's control, and the financial condition and
19 19 management thereof.

19 20 Sec. 52. Section 229.36, Code 2005, is amended to read as
19 21 follows:

19 22 229.36 LIMITATION ON PROCEEDINGS.

19 23 The proceeding authorized in sections 229.31 to 229.35,
19 24 inclusive, shall not be had ~~oftener~~ more often than once in
19 25 six months regarding the same person; nor regarding any
19 26 patient within six months after the patient's admission to the
19 27 hospital.

19 28 Sec. 53. Section 249A.20A, subsection 9, Code 2005, is
19 29 amended to read as follows:

19 30 9. The department may procure a sole source contract with
19 31 an outside entity or ~~contractor~~ contractor to participate in a
19 32 pharmaceutical pooling program with midwestern and other states
19 33 to provide for an enlarged pool of individuals for the
19 34 purchase of pharmaceutical products and services for medical
19 35 assistance recipients.

20 1 Sec. 54. Section 249A.34, subsection 6, paragraph a,
20 2 subparagraph (7), subparagraph subdivision (f), Code 2005, is
20 3 amended to read as follows:

20 4 (f) The federal Medicare Prescription Drug, Improvement
20 5 and Medicare Improvement Modernization Act of 2003, Pub. L.
20 6 No. 108=173.

20 7 Sec. 55. Section 256.11, subsection 15, Code 2005, is
20 8 amended to read as follows:

20 9 15. The board of directors of a school district or the
20 10 authorities in charge of a nonpublic school may award credit
20 11 toward graduation to a student if the student successfully
20 12 completes basic training ~~in~~ for service as a member of the
20 13 ~~Iowa army national guard, the Iowa air national guard, or as a~~
~~20 14 member of the active military forces of the United States, or~~
~~20 15 as a member of the army national guard of the United States,~~
20 16 or the air national guard of the United States.

20 17 Sec. 56. Section 257C.8, subsection 3, Code 2005, is
20 18 amended to read as follows:

20 19 3. The authority may issue its bonds in principal amounts
20 20 which, in the opinion of the authority, are necessary to
20 21 provide sufficient funds for achievement of its corporate
20 22 purposes, the payment of interest on its bonds, the
20 23 establishment of reserves to secure its bonds, the costs of
20 24 issuance of its bonds, and all other expenditures of the
20 25 authority incident to and necessary or convenient to carry out
20 26 its purposes and powers. The bonds are investment securities
20 27 and negotiable instruments within the meaning of and for
20 28 purposes of the uniform commercial code, chapter 554.

20 29 Sec. 57. Section 272C.1, subsection 6, paragraph v, Code
20 30 2005, is amended to read as follows:

20 31 v. The board for the licensing and regulation of hearing
20 32 aid ~~dealers~~ dispensers, created pursuant to chapter 154A.

20 33 Sec. 58. Section 275.41, subsection 2, Code 2005, is
20 34 amended to read as follows:

20 35 2. Prior to the ~~organization~~ organizational meeting of the
21 1 newly formed district, the boards of the former districts
21 2 shall designate directors to be retained as members to serve
21 3 on the initial board, and if the total number of directors
21 4 determined under subsection 1 is an even number, that number
21 5 of directors shall function and may within five days of the
21 6 organizational meeting appoint one additional director by
21 7 unanimous vote with all directors voting. Otherwise, the
21 8 board shall function until a special election can be held to
21 9 elect an additional director. The procedure for calling the
21 10 special election shall be the procedure specified in section
21 11 275.25. If there is an insufficient number of board members
21 12 eligible to be retained from a former school district, the
21 13 board of the former school district may appoint members to
21 14 fill the vacancies. A vacancy occurs if there is an
21 15 insufficient number of former board members who reside in the
21 16 newly formed district or if there is an insufficient number
21 17 who are willing to serve on the board of the newly formed
21 18 district.

21 19 Sec. 59. Section 279.27, Code 2005, is amended to read as
21 20 follows:

21 21 279.27 DISCHARGE OF TEACHER.

21 22 A teacher may be discharged at any time during the contract
21 23 year for just cause. The superintendent or the

21 24 superintendent's designee, shall notify the teacher
21 25 immediately that the superintendent will recommend in writing
21 26 to the board at a regular or special meeting of the board held
21 27 not more than fifteen days after notification has been given
21 28 to the teacher that the teacher's continuing contract be
21 29 terminated effective immediately following a decision of the
21 30 board. The procedure for dismissal shall be as provided in
21 31 ~~sections 279.15(2)~~ section 279.15, subsection 2, and sections
21 32 279.16 to 279.19. The superintendent may suspend a teacher
21 33 under this section pending hearing and determination by the
21 34 board.

21 35 Sec. 60. Section 305.8, subsection 1, paragraph b, Code
22 1 2005, is amended to read as follows:

22 2 b. In consultation with the homeland security and
22 3 emergency management division of the department of public
22 4 ~~safety~~ defense, establish policies, standards, and guidelines
22 5 for the identification, protection, and preservation of
22 6 records essential for the continuity or reestablishment of
22 7 governmental functions in the event of an emergency arising
22 8 from a natural or other disaster.

22 9 Sec. 61. Section 306.46, subsection 2, Code 2005, is
22 10 amended to read as follows:

22 11 2. For purposes of this section, "public utility" means a
22 12 public utility as defined in section 476.1, and shall also
22 13 include waterworks, municipally owned waterworks, joint water
22 14 utilities, rural water districts incorporated under chapter
22 15 357A or chapter 504 or 504A, and cooperative water
22 16 associations. For the purposes of this section, "utility
22 17 facilities" means any cables, conduits, wire, pipe, casing
22 18 pipe, supporting poles, guys, and other material and equipment
22 19 utilized for the furnishing of electric, gas, communications,
22 20 water, or sewer service.

22 21 Sec. 62. Section 321I.3, subsection 1, Code 2005, is
22 22 amended to read as follows:

22 23 1. Each all-terrain vehicle used on public land or ice of
22 24 this state shall be currently registered and numbered. A
22 25 person shall not operate, maintain, or give permission for the
22 26 operation or maintenance of an all-terrain vehicle on public
22 27 land or ice unless the all-terrain vehicle is numbered in
22 28 accordance with this chapter or applicable federal laws, or
22 29 unless the all-terrain vehicle displays a current annual user
22 30 permit for the all-terrain vehicle as provided in section
22 31 321I.5. If the all-terrain vehicle is required to be
22 32 registered in this state, the identifying number set forth in
22 33 the registration shall be displayed as prescribed by rules of
22 34 the commission.

22 35 Sec. 63. Section 322.5, subsection 2, paragraph a,
23 1 subparagraph (2), Code 2005, is amended to read as follows:

23 2 (2) Display, offer for sale, and negotiate sales of new
23 3 motor vehicles at fair events, as defined in chapter 174,
23 4 vehicle shows, and vehicle exhibitions, upon application for
23 5 and receipt of a temporary permit issued by the department.
23 6 Such activities may only be conducted at ~~fairs~~ fair events,
23 7 vehicle shows, and vehicle exhibitions that are held in the
23 8 county of the motor vehicle dealer's principal place of
23 9 business. A sale of a motor vehicle by a motor vehicle dealer
23 10 shall not be completed and an agreement for the sale of a
23 11 motor vehicle shall not be signed at a fair event, vehicle
23 12 show, or vehicle exhibition. All such sales shall be
23 13 consummated at the motor vehicle dealer's principal place of
23 14 business.

23 15 Sec. 64. Section 329.13, Code 2005, is amended to read as
23 16 follows:

23 17 329.13 ADMINISTRATION OF AIRPORT ZONING REGULATIONS.

23 18 All airport zoning regulations adopted under this chapter
23 19 shall provide for the administration and enforcement of such
23 20 regulations by an administrative agency ~~(which, which~~ may be
23 21 an official created by such ~~regulations)~~ regulations, or by any
23 22 official, board, or other existing agency of the municipality
23 23 adopting the regulations, or of one or both of the
23 24 municipalities which participated therein, but in no case
23 25 shall such administrative agency be or include any member of
23 26 the board of adjustment. The duties of any administrative
23 27 agency designated pursuant to this chapter shall not include
23 28 any of the powers herein delegated to the board of adjustment.

23 29 Sec. 65. Section 331.438, subsection 4, paragraph b,
23 30 subparagraph (16), Code 2005, is amended to read as follows:

23 31 (16) Develop a procedure for each county to disclose to
23 32 the department of human services information approved by the
23 33 commission concerning the mental health, mental retardation,
23 34 developmental disabilities, and brain injury services provided

23 35 to the individuals served through the county central point of
24 1 coordination process. The procedure shall incorporate
24 2 protections to ensure that if individually identified
24 3 information is disclosed, it is disclosed and maintained in
24 4 compliance with applicable Iowa and federal confidentiality
24 5 laws, including but not limited to federal Health Insurance
24 6 Portability and Accountability Act, Pub. L. No. 104=191,
24 7 requirements.

24 8 Sec. 66. Section 331.609, subsection 3, paragraph b,
24 9 subparagraphs (1) and (2), Code 2005, are amended to read as
24 10 follows:

24 11 (1) Cause a certificate of release or nonattachment to be
24 12 marked, held, and indexed as if the certificate were a
24 13 termination statement within the meaning of the uniform
24 14 commercial code, chapter 554, except that the notice of lien
24 15 to which the certificate relates shall not be removed from the
24 16 files.

24 17 (2) Cause a certificate of discharge or subordination to
24 18 be marked, held, and indexed as if the certificate were a
24 19 release of collateral within the meaning of the uniform
24 20 commercial code, chapter 554.

24 21 Sec. 67. Section 356.1, subsection 1, unnumbered paragraph
24 22 1, Code 2005, is amended to read as follows:

24 23 The jails in the several counties in the state shall be in
24 24 the charge of the respective sheriffs and used as prisons:

24 25 Sec. 68. Section 423.18, unnumbered paragraph 1, Code
24 26 2005, is amended to read as follows:

24 27 A business purchaser that is not a holder of a direct pay
24 28 tax permit pursuant to section 423.36 that knows at the time
24 29 of ~~its purchase of~~ purchasing a digital good, computer
24 30 software delivered electronically, or a service that the
24 31 digital good, computer software delivered electronically, or
24 32 service will be concurrently available for use in more than
24 33 one jurisdiction shall deliver to the seller in conjunction
24 34 with ~~its~~ the purchase a "multiple points of use" or "MPU"
24 35 exemption form disclosing this fact.

25 1 Sec. 69. Section 423.56, subsection 6, Code 2005, is
25 2 amended to read as follows:

25 3 6. When personally identifiable information regarding an
25 4 individual is retained by or on behalf of this state, this
25 5 state shall provide reasonable access by ~~such the~~ the individual
25 6 to ~~his or her~~ the individual's own information in the state's
25 7 possession and a right to correct any inaccurately recorded
25 8 information.

25 9 Sec. 70. Section 423B.5, unnumbered paragraph 1, Code
25 10 2005, is amended to read as follows:

25 11 A local sales and services tax at the rate of not more than
25 12 one percent may be imposed by a county on the sales price
25 13 taxed by the state under chapter 423, subchapter II. A local
25 14 sales and services tax shall be imposed on the same basis as
25 15 the state sales and services tax or in the case of the use of
25 16 natural gas, natural gas service, electricity, or electric
25 17 service on the same basis as the state use tax and shall not
25 18 be imposed on the sale of any property or on any service not
25 19 taxed by the state, except the tax shall not be imposed on the
25 20 sales price from the sale of motor fuel or special fuel as
25 21 defined in chapter 452A which is consumed for highway use or
25 22 in watercraft or aircraft if the fuel tax is paid on the
25 23 transaction and a refund has not or will not be allowed, on
25 24 the sales price from the rental of rooms, apartments, or
25 25 sleeping quarters which are taxed under chapter 423A during
25 26 the period the hotel and motel tax is imposed, on the sales
25 27 price from the sale of equipment by the state department of
25 28 transportation, on the sales price from the sale of self=
25 29 propelled building equipment, pile drivers, motorized
25 30 scaffolding, or attachments customarily drawn or attached to
25 31 self-propelled building equipment, pile drivers, and motorized
25 32 scaffolding, including auxiliary attachments which improve the
25 33 performance, safety, operation, or efficiency of the equipment
25 34 and replacement parts and are directly and primarily used by
25 35 contractors, subcontractors, and builders for new
26 1 construction, reconstruction, alterations, expansion, or
26 2 remodeling of real property or structures, and on the sales
26 3 price from the sale of a lottery ticket or share in a lottery
26 4 game conducted pursuant to chapter 99G and except the tax
26 5 shall not be imposed on the sales price from the sale or use
26 6 of natural gas, natural gas service, electricity, or electric
26 7 service in a city or county where the sales price from the
26 8 sale of natural gas or electric energy ~~are~~ is subject to a
26 9 franchise fee or user fee during the period the franchise or
26 10 user fee is imposed. A local sales and services tax is

26 11 applicable to transactions within those incorporated and
26 12 unincorporated areas of the county where it is imposed and
26 13 shall be collected by all persons required to collect state
26 14 sales taxes. However, a person required to collect state
26 15 retail sales tax under chapter 423, subchapter V or VI, is not
26 16 required to collect local sales and services tax on
26 17 transactions delivered within the area where the local sales
26 18 and services tax is imposed unless the person has physical
26 19 presence in that taxing area. All cities contiguous to each
26 20 other shall be treated as part of one incorporated area and
26 21 the tax would be imposed in each of those contiguous cities
26 22 only if the majority of those voting in the total area covered
26 23 by the contiguous cities favors its imposition.

26 24 Sec. 71. Section 423E.3, subsection 2, Code 2005, is
26 25 amended to read as follows:

26 26 2. The tax shall be imposed on the same basis as the state
26 27 sales and services tax or in the case of the use of natural
26 28 gas, natural gas service, electricity, or electric service on
26 29 the same basis as the state use tax and shall not be imposed
26 30 on the sale of any property or on any service not taxed by the
26 31 state, except the tax shall not be imposed on the sales price
26 32 from the sale of motor fuel or special fuel as defined in
26 33 chapter 452A which is consumed for highway use or in
26 34 watercraft or aircraft if the fuel tax is paid on the
26 35 transaction and a refund has not or will not be allowed, on
27 1 the sales price from the rental of rooms, apartments, or
27 2 sleeping quarters which are taxed under chapter 423A during
27 3 the period the hotel and motel tax is imposed, on the sales
27 4 price from the sale of equipment by the state department of
27 5 transportation, on the sales price from the sale of self=
27 6 propelled building equipment, pile drivers, motorized
27 7 scaffolding, or attachments customarily drawn or attached to
27 8 self-propelled building equipment, pile drivers, and motorized
27 9 scaffolding, including auxiliary attachments which improve the
27 10 performance, safety, operation, or efficiency of the
27 11 equipment, and replacement parts and are directly and
27 12 primarily used by contractors, subcontractors, and builders
27 13 for new construction, reconstruction, alterations, expansion,
27 14 or remodeling of real property or structures, and on the sales
27 15 price from the sale of a lottery ticket or share in a lottery
27 16 game conducted pursuant to chapter 99G and except the tax
27 17 shall not be imposed on the sales price from the sale or use
27 18 of natural gas, natural gas service, electricity, or electric
27 19 service in a city or county where the sales price from the
27 20 sale of natural gas or electric energy ~~are~~ is subject to a
27 21 franchise fee or user fee during the period the franchise or
27 22 user fee is imposed.

27 23 Sec. 72. Section 435.1, subsection 6, unnumbered paragraph
27 24 3, Code 2005, is amended to read as follows:

27 25 A manufactured home community or a mobile home park must be
27 26 classified as to whether it is a residential manufactured home
27 27 community or a mobile home park or a recreational manufactured
27 28 home community or a mobile home park or both. The
27 29 manufactured home ~~community communities~~ or mobile home ~~park~~
27 30 ~~parks~~ residential landlord and tenant Act, chapter 562B, only
27 31 applies to residential manufactured home communities or mobile
27 32 home parks.

27 33 Sec. 73. Section 452A.3, subsection 7, Code 2005, is
27 34 amended to read as follows:

27 35 7. All excise taxes collected under this chapter by a
28 1 supplier, restrictive supplier, importer, dealer, blender,
28 2 user, or any individual are deemed to be held in trust for the
28 3 state ~~or of~~ Iowa.

28 4 Sec. 74. Section 453A.26, Code 2005, is amended to read as
28 5 follows:

28 6 453A.26 LIENS AND ACTIONS.

28 7 All of the provisions for the lien of the tax, its
28 8 collection, and all actions as provided in the uniform sales
28 9 and use tax administration Act, chapter 423, shall apply to
28 10 the tax imposed by this chapter, except that where the sales
28 11 tax and the cigarette tax may become conflicting liens, they
28 12 shall be of equal priority.

28 13 Sec. 75. Section 456A.18, Code 2005, is amended to read as
28 14 follows:

28 15 456A.18 REPORT OF FUNDS.

28 16 The director shall, at least monthly, make return and pay
28 17 to the treasurer of state all moneys then in the director's
28 18 hands belonging to the ~~five~~ five funds created in section 456A.17.

28 19 Sec. 76. Section 502.304A, subsection 3, paragraph d, Code
28 20 2005, is amended to read as follows:

28 21 d. The aggregate offering price of the offering of

28 22 securities by the issuer within or outside this state must not
28 23 exceed one million dollars, less the aggregate offering price
28 24 for all securities sold within twelve months before the start
28 25 of, and during the offering of, the securities under rule 504,
28 26 17 C.F.R. } 230.504, in reliance on any exemption under
28 27 section 3(b) of the Securities Act of 1933 or in violation of
28 28 section 5(a) of that Act; provided, that if rule 504, 17
28 29 C.F.R. } 230.504, adopted under the Securities Act of 1933, is
28 30 amended, ~~that~~ the administrator may by rule increase the limit
28 31 under this paragraph to conform to amendments to federal law,
28 32 including but not limited to modification in the amount of the
28 33 aggregate offering price.

28 34 Sec. 77. Section 502.412, subsection 4, paragraphs a, b,
28 35 d, and i, Code 2005, are amended to read as follows:

29 1 a. The person has filed an application for registration in
29 2 this state under this chapter or ~~the predecessor~~ chapter 502,
29 3 Code 2003 and Code Supplement 2003, within the previous ten
29 4 years, which, as of the effective date of registration or as
29 5 of any date after filing in the case of an order denying
29 6 effectiveness, was incomplete in any material respect or
29 7 contained a statement that, in light of the circumstances
29 8 under which it was made, was false or misleading with respect
29 9 to a material fact.

29 10 b. The person willfully violated or willfully failed to
29 11 comply with this chapter or ~~the predecessor~~ chapter 502, Code
29 12 2003 and Code Supplement 2003, or a rule adopted or order
29 13 issued under this chapter or ~~the predecessor~~ chapter 502, Code
29 14 2003 and Code Supplement 2003, within the previous ten years.

29 15 d. The person is enjoined or restrained by a court of
29 16 competent jurisdiction in an action instituted by the
29 17 administrator under this chapter or ~~the predecessor~~ chapter
29 18 502, Code 2003 and Code Supplement 2003, a state, the
29 19 securities and exchange commission, or the United States from
29 20 engaging in or continuing an act, practice, or course of
29 21 business involving an aspect of a business involving
29 22 securities, commodities, investments, franchises, insurance,
29 23 banking, or finance.

29 24 i. The person has failed to reasonably supervise an agent,
29 25 investment adviser representative, or other individual, if the
29 26 agent, investment adviser representative, or other individual
29 27 was subject to the person's supervision and committed a
29 28 violation of this chapter or ~~the predecessor~~ chapter 502, Code
29 29 2003 and Code Supplement 2003, or a rule adopted or order
29 30 issued under this chapter or ~~the predecessor~~ chapter 502, Code
29 31 2003 and Code Supplement 2003, within the previous ten years.

29 32 Sec. 78. Section 502.601, subsection 1, Code 2005, is
29 33 amended to read as follows:

29 34 1. ADMINISTRATION. This chapter shall be administered by
29 35 the commissioner of insurance of this state. The
30 1 administrator shall appoint a deputy administrator who shall
30 2 be exempt from the merit system provisions of chapter 8A,
30 3 subchapter IV. The deputy administrator is the principal
30 4 operations officer of the securities bureau of the insurance
30 5 division of the department of commerce. The deputy
30 6 administrator is responsible to the administrator for the
30 7 routine administration of this chapter and the management of
30 8 the securities bureau. In the absence of the administrator,
30 9 whether because of vacancy in the office, by reason of
30 10 absence, physical disability, or other cause, the deputy
30 11 administrator shall be the acting administrator and shall, for
30 12 that period, have and exercise the authority conferred upon
30 13 the administrator. The administrator may by order delegate to
30 14 the deputy administrator any or all of the functions assigned
30 15 to the administrator under this chapter. The administrator
30 16 shall employ officers, attorneys, accountants, and other
30 17 employees as needed for the administration of ~~the this~~
30 18 chapter.

30 19 Sec. 79. Section 504.115, subsection 2, paragraph a,
30 20 subparagraph (1), Code 2005, is amended to read as follows:

30 21 (1) Describe the document, including its filing date, or
30 22 ~~attaching attach~~ a copy of the document to the articles.

30 23 Sec. 80. Section 504.1701, subsection 1, Code 2005, is
30 24 amended to read as follows:

30 25 1. A domestic corporation that is incorporated under
30 26 chapter 504A, Code 2005, is subject to this chapter beginning
30 27 on July 1, 2005.

30 28 Sec. 81. Section 504.1701, subsection 2, paragraph b, Code
30 29 2005, is amended to read as follows:

30 30 b. A corporation incorporated under chapter 504A, Code
30 31 2005, that voluntarily elects to be subject to the provisions
30 32 of this chapter in accordance with the procedures set forth in

30 33 subsection 3.
30 34 Sec. 82. Section 504.1701, subsection 3, unnumbered
30 35 paragraph 1, Code 2005, is amended to read as follows:
31 1 A corporation incorporated under chapter 504A, Code 2005,
31 2 may voluntarily elect to be subject to the provisions of this
31 3 chapter by doing all of the following:
31 4 Sec. 83. Section 515.109A, subsection 1, paragraph j, Code
31 5 2005, is amended to read as follows:
31 6 j. "Personal insurance" means personal insurance and not
31 7 commercial insurance and is limited to private passenger
31 8 automobile, homeowners, farm owners, personal farm liability,
31 9 motorcycle, mobile home owners, noncommercial dwelling fire
31 10 ~~insurance~~, boat, personal watercraft, snowmobile, and
31 11 recreational vehicle insurance policies, that are individually
31 12 underwritten for personal, family, farm, or household use. No
31 13 other type of insurance is included as personal insurance for
31 14 the purposes of this section.
31 15 Sec. 84. Section 515.109A, subsection 3, Code 2005, is
31 16 amended to read as follows:
31 17 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it is
31 18 determined through the dispute resolution process set forth
31 19 under the federal Fair Credit Reporting Act, 15 U.S.C. }
31 20 1681i(a)(5), that the credit information of a current insured
31 21 is incorrect or incomplete and the insurer receives notice of
31 22 such determination from either the consumer reporting agency
31 23 or from the insured, the insurer shall re-underwrite and re=
31 24 rate the insured within thirty days of receiving the notice.
31 25 After re-underwriting or re-rating the insured, the insurer
31 26 shall make any adjustments necessary, consistent with the
31 27 insurer's underwriting and rating guidelines. If an insurer
31 28 determines that an insured has overpaid the premium on a
31 29 personal insurance policy, the insurer shall refund the amount
31 30 of the overpayment to the insured, calculated for either the
31 31 last twelve months of coverage or the actual policy period,
31 32 whichever is shorter.
31 33 Sec. 85. Section 515.138, Code 2005, is amended to read as
31 34 follows:
31 35 515.138 FIRE INSURANCE CONTRACT == STANDARD POLICY
32 1 PROVISIONS == PERMISSIBLE VARIATIONS.
32 2 ~~FIRST- 1.~~ The printed form of a policy of fire insurance
32 3 as set forth in subsection ~~sixth 6~~ shall be known and
32 4 designated as the "standard policy" to be used in the state of
32 5 Iowa.
32 6 ~~SECOND- 2.~~ STANDARD POLICY, ADDITIONS, RIDERS AND
32 7 CLAUSES. It shall be unlawful for any insurance company to
32 8 issue any policy of fire insurance upon any property in this
32 9 state except upon automobiles, airplanes, seaplanes,
32 10 dirigibles, or other aircraft, farm crops until stored, marine
32 11 and inland marine risks other or different from the standard
32 12 form of fire insurance policy herein set forth.
32 13 There shall be printed at the head of said policy the name
32 14 of the insurer or insurers issuing the policy; the location of
32 15 the home office thereof; a statement whether said insurer or
32 16 insurers are stock or mutual corporations or are reciprocal
32 17 insurers; and subject to the approval of the commissioner of
32 18 insurance, there may be added thereto such device or devices
32 19 as the insurer or insurers issuing said policy shall desire.
32 20 Provided, however, that any company organized under special
32 21 charter provisions may so indicate upon its policy, and may
32 22 add a statement of the plan under which it operates in this
32 23 state.
32 24 The standard policy provided for herein need not be used
32 25 for effecting reinsurance between insurers.
32 26 If the policy is issued by a mutual, co-operative or
32 27 reciprocal insurer having special regulations with respect to
32 28 the payment by the policyholder of assessments, such
32 29 regulations shall be printed upon the policy, and any such
32 30 insurer may print upon the policy such regulations as may be
32 31 required by its home state or appropriate to its form of
32 32 organization.
32 33 ~~THIRD- 3.~~ Binders or other contracts for temporary
32 34 insurance may be made and shall be deemed to include all the
32 35 terms of such standard policy and all such applicable
33 1 endorsements as may be designated in such contract of
33 2 temporary insurance; except that the cancellation clause of
33 3 such standard policy, and the clause thereof specifying the
33 4 hour of the day at which the insurance shall commence, may be
33 5 superseded by the express terms of such contract of temporary
33 6 insurance.
33 7 ~~FOURTH- 4.~~ Two or more insurers authorized to do in this
33 8 state the business of fire insurance, may, with the approval

33 9 of the commissioner of insurance, issue a combination standard
33 10 form of policy which shall contain the following:
33 11 a. A provision substantially to the effect that the
33 12 insurers executing such policy shall be severally liable for
33 13 the full amount of any loss or damage, according to the terms
33 14 of the policy, or for specified percentages or amounts
33 15 thereof, aggregating the full amount of such insurance under
33 16 such policy.

33 17 b. A provision substantially to the effect that service of
33 18 process, or of any notice or proof of loss required by such
33 19 policy, upon any of the insurers executing such policy, shall
33 20 be deemed to be service upon all such insurers.

33 21 ~~FIFTH-~~ 5. Appropriate forms of other contracts or
33 22 endorsements, insuring against one or more of the perils
33 23 incident to the ownership, use or occupancy of said property,
33 24 other than fire and lightning, which the insurer is empowered
33 25 to assume, may be used in connection with the standard policy.
33 26 Such forms of other contracts or endorsements attached or
33 27 printed thereon may contain provisions and stipulations
33 28 inconsistent with the standard policy if applicable only to
33 29 such other perils. The pages of the standard policy may be
33 30 renumbered and rearranged to provide space for the listing of
33 31 rates and premiums for coverages insured thereunder or under
33 32 endorsements attached or printed thereon, and such other data
33 33 as may be included for duplication on daily reports for office
33 34 records. An insurer may issue a policy, either on an
33 35 unspecified basis as to coverage or for an indivisible
34 1 premium, which contains coverage against the peril of fire and
34 2 substantial coverage against other perils, if such policy
34 3 includes provisions with respect to the peril of fire which
34 4 are the substantial equivalent of the minimum provisions of
34 5 such standard policy, provided further the policy is complete
34 6 as to all its terms of coverage without reference to any other
34 7 document and is approved in accordance with section 515.109.

34 8 ~~SIXTH-~~ 6. The form of the standard policy (with
34 9 permission to substitute for the word "company" a more
34 10 accurate descriptive term for the type of insurer) shall be as
34 11 follows:

34 12 FIRST PAGE OF STANDARD FIRE POLICY

34 13 No. ...

34 14 (Space for insertion of name of company or companies
34 15 issuing the policy and other matter permitted to be stated at
34 16 the head of the policy.)

34 17 (Space for listing amounts of insurance, rates and premiums
34 18 for the basic coverages insured under the standard form of
34 19 policy and for additional coverages or perils insured under
34 20 endorsements attached.)

34 21 IN CONSIDERATION OF THE PROVISIONS AND STIPULATIONS HEREIN
34 22 OR ADDED HERETO AND OF DOLLARS PREMIUM this company, for
34 23 the term of from the day of (month),
34 24 (year), to the day of (month), (year),
34 25 at noon, Standard Time, at location of property involved, to
34 26 an amount not exceeding Dollars, does insure
34 27 and legal representatives, to the extent of the
34 28 actual cash value of the property at the time of loss, but not
34 29 exceeding the amount which it would cost to repair or replace
34 30 the property with material of like kind and quality within a
34 31 reasonable time after such loss, without allowance for any
34 32 increased cost of repair or reconstruction by reason of any
34 33 ordinance or law regulating construction or repair, and
34 34 without compensation for loss resulting from interruption of
34 35 business or manufacture, nor in any event for more than THE
35 1 INTEREST OF THE INSURED, AGAINST ALL DIRECT LOSS BY FIRE,
35 2 LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE
35 3 PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER
35 4 PROVIDED, to the property described hereinafter while located
35 5 or contained as described in this policy, or pro rata for five
35 6 days at each proper place to which any of the property shall
35 7 necessarily be removed for preservation from the perils
35 8 insured against in this policy, but not elsewhere.

35 9 Assignment of this policy shall not be valid except with
35 10 the written consent of this company.

35 11 This policy is made and accepted subject to the foregoing
35 12 provisions and stipulations and those hereinafter stated,
35 13 which are hereby made a part of this policy, together with
35 14 such other provisions, stipulations and agreements as may be
35 15 added hereto, as provided in this policy.

35 16 IN WITNESS WHEREOF, this company has executed and attested
35 17 these presents; but this policy shall not be valid unless
35 18 countersigned by the duly authorized agent of this company at
35 19

35 20
35 21 Secretary. President.
35 22 Countersigned this
35 23 day of (month), ... (year).
35 24
35 25 Agent.
35 26 SECOND PAGE OF STANDARD FIRE POLICY
35 27 CONCEALMENT == FRAUD. This entire policy shall be void if,
35 28 whether before or after a loss, the insured has willfully
35 29 concealed or misrepresented any material fact or circumstance
35 30 concerning this insurance or the subject thereof, or the
35 31 interest of the insured therein, or in case of any fraud or
35 32 false swearing by the insured relating thereto.
35 33 UNINSURABLE AND EXCEPTED PROPERTY. This policy shall not
35 34 cover accounts, bills, currency, deeds, evidences of debt,
35 35 money or securities; nor, unless specifically named hereon in
36 1 writing, bullion or manuscripts.
36 2 PERILS NOT INCLUDED. This company shall not be liable for
36 3 loss by fire or other perils insured against in this policy
36 4 caused, directly or indirectly, by: (a) Enemy attack by armed
36 5 forces, including action taken by military, naval or air
36 6 forces in resisting an actual or an immediately impending
36 7 enemy attack; (b) invasion; (c) insurrection; (d) rebellion;
36 8 (e) revolution; (f) civil war; (g) usurped power; (h) order of
36 9 any civil authority except acts of destruction at the time of
36 10 and for the purpose of preventing the spread of fire, provided
36 11 that such fire did not originate from any of the perils
36 12 excluded by this policy; (i) neglect of the insured to use all
36 13 reasonable means to save and preserve the property at and
36 14 after a loss, or when the property is endangered by fire in
36 15 neighboring premises; (j) nor shall this company be liable for
36 16 loss by theft.
36 17 OTHER INSURANCE. Other insurance may be prohibited or the
36 18 amount of insurance may be limited by endorsement attached
36 19 hereto.
36 20 CONDITIONS SUSPENDING OR RESTRICTING INSURANCE. Unless
36 21 otherwise provided in writing added hereto this company shall
36 22 not be liable for loss occurring:
36 23 a. While the hazard is increased by any means within the
36 24 control or knowledge of the insured; or
36 25 b. While a described building, whether intended for
36 26 occupancy by owner or tenant, is vacant or unoccupied beyond a
36 27 period of sixty consecutive days; or
36 28 c. As a result of explosion or riot, unless fire ensue,
36 29 and in that event for loss by fire only.
36 30 OTHER PERILS OR SUBJECTS. Any other peril to be insured
36 31 against or subject of insurance to be covered in this policy
36 32 shall be by endorsement in writing hereon or added hereto.
36 33 ADDED PROVISIONS. The extent of the application of
36 34 insurance under this policy and of the contribution to be made
36 35 by this company in case of loss, and any other provision or
37 1 agreement not inconsistent with the provisions of this policy,
37 2 may be provided for in writing added hereto, but no provision
37 3 may be waived except such as by the terms of this policy is
37 4 subject to change.
37 5 WAIVER PROVISIONS. No permission affecting this insurance
37 6 shall exist, or waiver of any provision be valid, unless
37 7 granted herein or expressed in writing added hereto. No
37 8 provision, stipulation or forfeiture shall be held to be
37 9 waived by any requirement or proceeding on the part of this
37 10 company relating to appraisal or to any examination provided
37 11 for herein.
37 12 CANCELLATION OF POLICY. This policy shall be canceled at
37 13 any time at the request of the insured, in which case this
37 14 company shall, upon demand and surrender of this policy,
37 15 refund the excess of paid premium above the customary short
37 16 rates for the expired time. This policy may be canceled at
37 17 any time by this company by giving to the insured a five days'
37 18 written notice of cancellation with or without tender of the
37 19 excess of paid premium above the pro rata premium for the
37 20 expired time, which excess, if not tendered, shall be refunded
37 21 on demand. Notice of cancellation shall state that said
37 22 excess premium (if not tendered) will be refunded on demand.
37 23 MORTGAGEE INTERESTS AND OBLIGATIONS. If loss hereunder is
37 24 made payable, in whole or in part, to a designated mortgagee
37 25 not named herein as the insured, such interest in this policy
37 26 may be canceled by giving to such mortgagee a ten days'
37 27 written notice of cancellation.
37 28 If the insured fails to render proof of loss such
37 29 mortgagee, upon notice, shall render proof of loss in the form
37 30 herein specified within sixty days thereafter and shall be

37 31 subject to the provisions hereof relating to appraisal and
37 32 time of payment and of bringing suit. If this company shall
37 33 claim that no liability existed as to the mortgagor or owner,
37 34 it shall, to the extent of payment of loss to the mortgagee,
37 35 be subrogated to all the mortgagee's rights of recovery, but
38 1 without impairing mortgagee's right to sue; or it may pay off
38 2 the mortgage debt and require an assignment thereof and of the
38 3 mortgage. Other provisions relating to the interests and
38 4 obligations of such mortgagee may be added hereto by agreement
38 5 in writing.

38 6 PRO RATA LIABILITY. This company shall not be liable for a
38 7 greater proportion of any loss than the amount hereby insured
38 8 shall bear to the whole insurance covering the property
38 9 against the peril involved, whether collectible or not.

38 10 REQUIREMENTS IN CASE LOSS OCCURS. The insured shall give
38 11 immediate written notice to this company of any loss, protect
38 12 the property from further damage, forthwith separate the
38 13 damaged and undamaged personal property, put it in the best
38 14 possible order, furnish a complete inventory of the destroyed,
38 15 damaged and undamaged property, showing in detail quantities,
38 16 costs, actual cash value and AMOUNTS OF LOSS CLAIMED; AND
38 17 WITHIN SIXTY DAYS AFTER THE LOSS, UNLESS SUCH TIME IS EXTENDED
38 18 IN WRITING BY THIS COMPANY, THE INSURED SHALL RENDER TO THIS
38 19 COMPANY A PROOF OF LOSS, signed and sworn to by the insured,
38 20 stating the knowledge and belief of the insured as to the
38 21 following: The time and origin of the loss, the interest of
38 22 the insured and of all others in the property, the actual cash
38 23 value of each item thereof and the amount of loss thereto, all
38 24 encumbrances thereon, all other contracts of insurance,
38 25 whether valid or not, covering any of said property, any
38 26 changes in the title, use, occupation, location, possession or
38 27 exposures of said property since the issuing of this policy,
38 28 by whom and for what purpose any building herein described and
38 29 the several parts thereof were occupied at the time of loss
38 30 and whether or not it then stood on leased ground, and shall
38 31 furnish a copy of all the descriptions and schedules in all
38 32 policies and, if required, verified plans and specifications
38 33 of any building, fixtures or machinery destroyed or damaged.
38 34 The insured, as often as may be reasonably required, shall
38 35 exhibit to any person designated by this company all that
39 1 remains of any property herein described, and submit to
39 2 examinations under oath by any person named by this company,
39 3 and subscribe the same; and, as often as may be reasonably
39 4 required, shall produce for examination all books of account,
39 5 bills, invoices and other vouchers, or certified copies
39 6 thereof if originals be lost, at such reasonable time and
39 7 place as may be designated by this company or its
39 8 representative, and shall permit extracts and copies thereof
39 9 to be made.

39 10 APPRAISAL. In case the insured and this company shall fail
39 11 to agree as to the actual cash value or the amount of loss,
39 12 then, on the written demand of either, each shall select a
39 13 competent and disinterested appraiser and notify the other of
39 14 the appraiser selected within twenty days of such demand. The
39 15 appraisers shall first select a competent and disinterested
39 16 umpire; and failing for fifteen days to agree upon such
39 17 umpire, then, on request of the insured or this company, such
39 18 umpire shall be selected by a judge of a court of record in
39 19 the state in which the property covered is located. The
39 20 appraisers shall then appraise the loss, stating separately
39 21 actual cash value and loss to each item; and, failing to
39 22 agree, shall submit their differences, only, to the umpire.
39 23 An award in writing, so itemized, of any two when filed with
39 24 this company shall determine the amount of actual cash value
39 25 and loss. Each appraiser shall be paid by the party selecting
39 26 the appraiser and the expenses of appraisal and umpire shall
39 27 be paid by the parties equally.

39 28 COMPANY'S OPTIONS. It shall be optional with this company
39 29 to take all, or any part, of the property at the agreed or
39 30 appraised value, and also to repair, rebuild or replace the
39 31 property destroyed or damaged with other of like kind and
39 32 quality within a reasonable time, on giving notice of its
39 33 intention so to do within thirty days after the receipt of the
39 34 proof of loss herein required.

39 35 ABANDONMENT. There can be no abandonment to this company
40 1 of any property.

40 2 WHEN LOSS PAYABLE. The amount of loss for which this
40 3 company may be liable shall be payable sixty days after proof
40 4 of loss, as herein provided, is received by this company and
40 5 ascertainment of the loss is made either by agreement between
40 6 the insured and this company expressed in writing or by the

40 7 filing with this company of an award as herein provided.
40 8 SUIT. No suit or action on this policy for the recovery of
40 9 any claim shall be sustainable in any court of law or equity
40 10 unless all the requirements of this policy shall have been
40 11 complied with, and unless commenced within twelve months next
40 12 after inception of the loss.

40 13 SUBROGATION. This company may require from the insured an
40 14 assignment of all right of recovery against any party for loss
40 15 to the extent that payment therefor is made by this company.

40 16 THIRD PAGE OF STANDARD FIRE POLICY

40 17 Attach Form Below This Line

40 18 FOURTH PAGE OF STANDARD FIRE POLICY

40 19 Standard Fire Insurance Policy

40 20 =====

40 21 Expires

40 22 Property

40 23 Total

40 24 Amount \$ Premium \$

40 25 Insured

40 26 _____

40 27 SEE INSIDE OF POLICY FOR PERILS COVERED

40 28 No.

40 29 =====

40 30 (Space of approximately two (2) inches for use of

40 31 Agent or Insurer.)

40 32 =====

40 33 =====

40 34 (Space of approximately two (2) inches for use of

40 35 Agent or Insurer.)

41 1 =====

41 2 It is important that the written portions of all policies

41 3 covering the same property read exactly alike. If they do

41 4 not, they should be made uniform at once.

41 5 Sec. 86. Section 524.103, subsection 10, Code 2005, is

41 6 amended to read as follows:

41 7 10. "Board of directors" means the board of directors of a

41 8 state bank as provided in section 524.601. For ~~a state banks~~

41 9 ~~bank~~ organized as a limited liability company under this

41 10 chapter, "board of directors" means a board of directors or

41 11 board of managers as designated by the limited liability

41 12 company in its articles of organization or operating

41 13 agreement.

41 14 Sec. 87. Section 524.1408, Code 2005, is amended to read

41 15 as follows:

41 16 524.1408 MERGER OF CORPORATION OR LIMITED LIABILITY

41 17 COMPANY SUBSTANTIALLY OWNED BY A STATE BANK.

41 18 A state bank owning at least ninety percent of the

41 19 outstanding shares, of each class, of another corporation or

41 20 limited liability company which it is authorized to own under

41 21 this chapter, may merge the other corporation or limited

41 22 liability company into itself without approval by a vote of

41 23 the shareholders of either the state bank or the subsidiary

41 24 corporation or limited liability company. The board of

41 25 directors of the state bank shall approve a plan of merger,

41 26 mail the plan of merger to shareholders of record of the

41 27 subsidiary corporation or holders of membership interests in

41 28 the subsidiary limited liability company, and prepare and

41 29 execute articles of merger in the manner provided for in

41 30 section 490.1105. The articles of merger, together with the

41 31 applicable filing and recording fees, shall be delivered to

41 32 the superintendent who shall, if the superintendent approves

41 33 of the proposed merger and if the superintendent finds the

41 34 articles of merger satisfy the requirements of this section,

41 35 deliver them to the secretary of state for filing and

42 1 recording in the secretary of state's office, and they shall

42 2 be filed in the office of the county recorder. The secretary

42 3 of state upon filing the articles of merger shall issue a

42 4 certificate of merger and send the certificate to the state

42 5 bank and a copy of it to the superintendent.

42 6 Sec. 88. Section 534.513, subsection 3, Code 2005, is

42 7 amended to read as follows:

42 8 3. SUPERVISION DURING LIQUIDATION. During the period of

42 9 voluntary liquidation of any such association, the

42 10 superintendent shall have substantially the same powers and

42 11 duties as to supervision as before such liquidation, and the

42 12 persons in charge of such voluntary liquidation shall furnish

42 13 and deposit with the superintendent such bonds as the

42 14 superintendent shall require and approve, and shall

42 15 semiannually, or ~~oftener~~ more often if required by the

42 16 superintendent report fully as to their doings and progress,

42 17 and as to the financial condition of the association. Upon

42 18 completion of such liquidation they shall file with the
42 19 superintendent a verified final report of such liquidation and
42 20 disbursement of proceeds and upon approval of such report the
42 21 superintendent shall issue a written order discharging the
42 22 liquidators, and their duties shall thereupon cease.
42 23 Sec. 89. Section 535B.10, subsection 6, Code 2005, is
42 24 amended to read as follows:
42 25 6. The total charge for an examination or investigation
42 26 shall be paid by the licensee to the administrator within
42 27 thirty days after the administrator has requested payment.
42 28 The administrator may by rule provide for a charge for late
42 29 payment of the fee. The amount of the fee shall be based on
42 30 the actual costs of the examination as determined by the
42 31 administrator. Examination reports and correspondence
42 32 regarding these reports shall be kept confidential except as
42 33 provided in this subsection, notwithstanding chapter 22. The
42 34 administrator may release the reports and correspondence in
42 35 the course of an enforcement proceeding or a hearing held by
43 1 the administrator. The administrator may also provide this
43 2 information to the attorney general for purposes of enforcing
43 3 this chapter or the consumer fraud Act, section 714.16.
43 4 Sec. 90. Section 536.4, unnumbered paragraph 3, Code 2005,
43 5 is amended to read as follows:
43 6 If the application is denied, the superintendent shall
43 7 within twenty days thereafter file with the banking ~~department~~
43 8 division a written transcript of the evidence and decision and
43 9 findings with respect thereto containing the reasons
43 10 supporting the denial, and forthwith serve upon the applicant
43 11 a copy thereof.
43 12 Sec. 91. Section 537.1103, Code 2005, is amended to read
43 13 as follows:
43 14 537.1103 LAW APPLICABLE.
43 15 Unless displaced by the particular provisions of this
43 16 chapter, the uniform commercial code as provided in chapter
43 17 554 and the principles of law and equity, including the law
43 18 relative to capacity to contract, principal and agent,
43 19 estoppel, fraud, misrepresentation, duress, coercion, mistake,
43 20 bankruptcy or other validating or invalidating cause
43 21 supplement its provisions.
43 22 Sec. 92. Section 546A.1, subsection 4, Code 2005, is
43 23 amended to read as follows:
43 24 4. "New and unused property" means tangible personal
43 25 property that was acquired by the unused property merchant
43 26 directly from the producer, manufacturer, wholesaler, or
43 27 retailer in the ordinary course of business ~~that~~ which has
43 28 never been used since its production or manufacture or which
43 29 is in its original and unopened package or container, if such
43 30 personal property was so packaged when originally produced or
43 31 manufactured.
43 32 Sec. 93. Section 546A.4, subsection 3, Code 2005, is
43 33 amended to read as follows:
43 34 3. An aggravated misdemeanor for a third or subsequent
43 35 ~~violation offense~~.
44 1 Sec. 94. Section 551A.3, subsection 1, Code 2005, is
44 2 amended to read as follows:
44 3 1. DISCLOSURE DOCUMENT REQUIRED. A person required to
44 4 file an irrevocable consent to service of process with the
44 5 secretary of state as a seller as provided in section 551A.7
44 6 shall not act as seller in ~~the~~ this state unless the person
44 7 provides a written disclosure document to each purchaser. The
44 8 person shall deliver the written disclosure document to the
44 9 purchaser at least ten business days prior to the earlier of
44 10 the purchaser's execution of a contract imposing a binding
44 11 legal obligation on the purchaser or the payment by a
44 12 purchaser of any consideration in connection with the offer or
44 13 sale of the business opportunity.
44 14 Sec. 95. Section 554D.101, Code 2005, is amended to read
44 15 as follows:
44 16 554D.101 SHORT TITLE.
44 17 This ~~section and sections 554D.102 through 554D.124 of this~~
44 18 ~~chapter subchapter~~ may be cited as the "Uniform Electronic
44 19 Transactions Act".
44 20 Sec. 96. Section 558.1, Code 2005, is amended to read as
44 21 follows:
44 22 558.1 "INSTRUMENTS AFFECTING REAL ESTATE" DEFINED ==
44 23 REVOCATION.
44 24 All instruments containing a power to convey, or in any
44 25 manner relating to real estate, including certified copies of
44 26 petitions in bankruptcy with or without the schedules
44 27 appended, of decrees of adjudication in bankruptcy, and of
44 28 orders approving trustees' bonds in bankruptcy, and a jobs

44 29 training agreement entered into under chapter 260E or 260F
44 30 between an employer and community college which contains a
44 31 description of the real estate affected, shall be held to be
44 32 instruments affecting the same; and no such instrument, when
44 33 acknowledged or certified and recorded as in this chapter
44 34 prescribed, can be revoked as to third parties by any act of
44 35 the parties by whom it was executed, until the instrument
45 1 containing such revocation is acknowledged and filed for
45 2 record in the same office in which the instrument containing
45 3 such power is recorded, except that uniform commercial code
45 4 financing statements and financing statement changes as
45 5 provided in chapter 554 need not be thus acknowledged.

45 6 Sec. 97. Section 558.42, Code 2005, is amended to read as
45 7 follows:

45 8 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.

45 9 A document shall not be deemed lawfully recorded, unless it
45 10 has been previously acknowledged or proved in the manner
45 11 prescribed in chapter 9E, except that affidavits, and
45 12 certified copies of petitions in bankruptcy with or without
45 13 the schedules appended, of decrees of adjudication in
45 14 bankruptcy, and of orders approving trustees' bonds in
45 15 bankruptcy, and ~~Uniform Commercial Code~~ uniform commercial
45 16 code financing statements and financing statement changes as
45 17 provided in chapter 554 need not be thus acknowledged.

45 18 Sec. 98. Section 586.1, subsection 3, Code 2005, is
45 19 amended to read as follows:

45 20 3. Acknowledgments taken and oaths administered by mayors
45 21 under section 691, Code 1897, or section 1216 of subsequent
45 22 Codes to and including the Code of 1939 and section ~~63A.2 to~~
45 23 ~~and including 78.2, Code of 1966 and earlier editions,~~ in
45 24 proceedings not connected with their offices.

45 25 Sec. 99. Section 589.9, Code 2005, is amended to read as
45 26 follows:

45 27 589.9 MARGINAL RELEASES OF SCHOOL=FUND MORTGAGES.

45 28 The release or satisfaction of a school=fund mortgage
45 29 entered on the margin of the record of the mortgage by the
45 30 auditor of the county more than ten years earlier, is
45 31 legalized as though the auditor had, at the time of entering
45 32 the release or satisfaction, the same power thereafter
45 33 conferred upon the auditor by ~~chapter 1894 Iowa Acts, ch 53 of~~
45 34 ~~the Acts of the Twenty-fifth General Assembly.~~

45 35 Sec. 100. Section 589.22, Code 2005, is amended to read as
46 1 follows:

46 2 589.22 CERTAIN LOANS, CONTRACTS AND MORTGAGES.

46 3 All loans, contracts, and mortgages which are affected by
46 4 the repeal of ~~chapter 1898 Iowa Acts, ch 48, Acts of the~~
46 5 ~~Twenty-seventh General Assembly,~~ are hereby legalized so far
46 6 as to permit recovery to be had thereon for interest at the
46 7 rate of eight percent per annum, but at no greater rate, and
46 8 nothing contained in such contracts shall be construed to be
46 9 usurious so as to work a forfeiture of any penalty to the
46 10 school fund.

46 11 Sec. 101. Section 600B.28, Code 2005, is amended to read
46 12 as follows:

46 13 600B.28 REPORT BY TRUSTEE.

46 14 The trustee shall report to the court annually, or ~~oftener~~
46 15 more often as directed by the court, the amounts received and
46 16 paid over.

46 17 Sec. 102. Section 602.8102, subsection 69, Code 2005, is
46 18 amended to read as follows:

46 19 69. With acceptable sureties, approve the bond of a
46 20 petitioner filing an appeal for review of an order of the
46 21 commissioner of insurance as provided in section ~~502.606 or~~
46 22 ~~507A.7.~~

46 23 Sec. 103. Section 602.8108, subsections 5 and 6, Code
46 24 2005, are amended to read as follows:

46 25 5. The clerk of the district court shall remit all moneys
46 26 collected from the assessment of the law enforcement
46 27 initiative surcharge provided in section 911.3 to the state
46 28 court administrator no later than the fifteenth day of each
46 29 month, ~~all the moneys collected during the preceding month,~~
46 30 for deposit in the general fund of the state.

46 31 6. The clerk of the district court shall remit all moneys
46 32 collected from the county enforcement surcharge pursuant to
46 33 section 911.4 to the county where the citation was issued for
46 34 deposit in the county general fund no later than the fifteenth
46 35 day of each month.

47 1 Sec. 104. Section 602.11116, subsection 3, Code 2005, is
47 2 amended to read as follows:

47 3 3. To commence membership under the judicial retirement
47 4 system pursuant to article 9, part 1, retroactive to the date

47 5 the associate juvenile judge or associate probate judge became
47 6 an associate juvenile judge or associate probate judge, and to
47 7 cease to be a member of the Iowa public employees' retirement
47 8 system, effective July 1, 1998. The department of
47 9 ~~administrative services personnel~~ shall transmit by January 1,
47 10 1999, to the state court administrator for deposit in the
47 11 judicial retirement fund the associate juvenile judge's or
47 12 associate probate judge's accumulated contributions as defined
47 13 in section 97B.1A, subsection 2, for the judge's period of
47 14 membership service as an associate juvenile judge or associate
47 15 probate judge. Before July 1, 2000, or at retirement previous
47 16 to that date, an associate juvenile judge or associate probate
47 17 judge who becomes a member of the judicial retirement system
47 18 pursuant to this subsection shall contribute to the judicial
47 19 retirement fund an amount equal to the difference between four
47 20 percent of the associate juvenile judge's or associate probate
47 21 judge's total salary received for the entire period of service
47 22 before July 1, 1998, as an associate juvenile judge or
47 23 associate probate judge, and the associate juvenile judge's or
47 24 associate probate judge's accumulated contributions
47 25 transmitted by the department of ~~administrative services~~
47 26 ~~personnel~~ to the state court administrator pursuant to this
47 27 subsection. The associate juvenile judge's or associate
47 28 probate judge's contribution shall not be limited to the
47 29 amount specified in section 602.9104, subsection 1. The state
47 30 court administrator shall credit an associate juvenile judge
47 31 or associate probate judge with service under the judicial
47 32 retirement system for the period of service for which
47 33 contributions at the four percent level are made.

47 34 Sec. 105. Section 633.700, unnumbered paragraph 1, Code
47 35 2005, is amended to read as follows:

48 1 Unless specifically relieved from so doing, by the
48 2 instrument creating the trust, or by order of the court, the
48 3 trustee shall make a written report, under oath, to the court,
48 4 once each year, and ~~oftener more often~~, if required by the
48 5 court. Such report shall state:

48 6 Sec. 106. Section 633.905, subsection 3, Code 2005, is
48 7 amended to read as follows:

48 8 3. To be effective, a disclaimer must be in a writing or
48 9 other record, declare the disclaimer, describe the interest or
48 10 power disclaimed, be signed by the person making the
48 11 disclaimer, and be delivered or filed in the manner provided
48 12 in section 633.912. In this subsection, "record" means
48 13 information that is inscribed on a tangible medium or that is
48 14 stored in an electronic or other medium and is retrievable in
48 15 perceivable form.

48 16 Sec. 107. Section 636.28, Code 2005, is amended to read as
48 17 follows:

48 18 636.28 ANNUAL ACCOUNTING.

48 19 Once in each year, and ~~oftener more often~~ if required by
48 20 the court, the person so appointed must, on oath, render to
48 21 the court an account in writing of all moneys so received by
48 22 that person, and of the application thereof.

48 23 Sec. 108. Section 657.1, subsection 2, Code 2005, is
48 24 amended to read as follows:

48 25 2. Notwithstanding subsection 1, in an action to abate a
48 26 nuisance against an electric utility, an electric utility may
48 27 assert a defense of comparative fault as set out in section
48 28 668.3 if the electric utility demonstrates that in the course
48 29 of providing electric services to its customers ~~that~~ it has
48 30 complied with engineering and safety standards as adopted by
48 31 the utilities board of the department of commerce, and if the
48 32 electric utility has secured all permits and approvals, as
48 33 required by state law and local ordinances, necessary to
48 34 perform activities alleged to constitute a nuisance.

48 35 Sec. 109. Section 708.3A, subsections 5, 6, 7, and 8, Code
49 1 2005, are amended to read as follows:

49 2 5. As used in this section, ~~"health care provider" means~~
49 3 ~~an emergency medical care provider as defined in chapter 147A~~
49 4 ~~or a person licensed or registered under chapter 148, 148C,~~
49 5 ~~148D, 150, 150A, or 152 who is providing or who is attempting~~
49 6 ~~to provide emergency medical services, as defined in section~~
49 7 ~~147A.1, or who is providing or who is attempting to provide~~
49 8 ~~health services as defined in section 135.61 in a hospital. A~~
49 9 ~~person who commits an assault under this section against a~~
49 10 ~~health care provider in a hospital, or at the scene or during~~
49 11 ~~out-of-hospital patient transportation in an ambulance, is~~
49 12 ~~presumed to know that the person against whom the assault is~~
49 13 ~~committed is a health care provider. The following definitions~~
49 14 ~~apply:~~

49 15 6. a. As used in this section, "correctional

49 16 "Correctional staff" means a person who is not a peace officer
49 17 but who is employed by the department of corrections or a
49 18 judicial district department of correctional services to work
49 19 at or in a correctional institution, community-based
49 20 correctional facility, or an institution under the management
49 21 of the Iowa department of corrections which is used for the
49 22 purposes of confinement of persons who have committed public
49 23 offenses.

~~49 24 7. As used in this section, "jailer" means a person who is
49 25 employed by a county or other political subdivision of the
49 26 state to work at a county jail or other facility used for
49 27 purposes of the confinement of persons who have committed
49 28 public offenses, but who is not a peace officer.~~

49 29 8. b. As used in this section, "employee "Employee of the
49 30 department of human services" means a person who is an
49 31 employee of an institution controlled by the director of human
49 32 services that is listed in section 218.1, or who is an
49 33 employee of the civil commitment unit for sex offenders
49 34 operated by the department of human services. A person who
49 35 commits an assault under this section against an employee of
50 1 the department of human services at a department of human
50 2 services institution or unit is presumed to know that the
50 3 person against whom the assault is committed is an employee of
50 4 the department of human services.

50 5 c. "Health care provider" means an emergency medical care
50 6 provider as defined in chapter 147A or a person licensed or
50 7 registered under chapter 148, 148C, 148D, 150, 150A, or 152
50 8 who is providing or who is attempting to provide emergency
50 9 medical services, as defined in section 147A.1, or who is
50 10 providing or who is attempting to provide health services as
50 11 defined in section 135.61 in a hospital. A person who commits
50 12 an assault under this section against a health care provider
50 13 in a hospital, or at the scene or during out-of-hospital
50 14 patient transportation in an ambulance, is presumed to know
50 15 that the person against whom the assault is committed is a
50 16 health care provider.

50 17 d. "Jailer" means a person who is employed by a county or
50 18 other political subdivision of the state to work at a county
50 19 jail or other facility used for purposes of the confinement of
50 20 persons who have committed public offenses, but who is not a
50 21 peace officer.

50 22 Sec. 110. Section 717A.2, subsection 3, unnumbered
50 23 paragraph 1, Code 2005, is amended to read as follows:
50 24 A person violating this section is guilty of the following
50 25 penalties:

50 26 Sec. 111. Section 728.1, subsection 6, Code 2005, is
50 27 amended to read as follows:

50 28 6. "Place of business" means the premises of a business
50 29 required to obtain a sales tax permit pursuant to chapter ~~422~~
50 30 ~~423~~, the premises of a nonprofit or not-for-profit
50 31 organization, and the premises of an establishment which is
50 32 open to the public at large or where entrance is limited by a
50 33 cover charge or membership requirement.

50 34 Sec. 112. Section 730.5, subsection 1, paragraph b, Code
50 35 2005, is amended to read as follows:

51 1 b. "Confirmed positive test result" means, except for
51 2 alcohol testing conducted pursuant to subsection 7, paragraph
51 3 "f", subparagraph (2), the results of a blood, urine, or oral
51 4 fluid test in which the level of controlled substances or
51 5 metabolites in the specimen analyzed meets or exceeds
51 6 nationally accepted standards for determining detectable
51 7 levels of controlled substances as adopted by the federal
51 8 substance abuse and mental health services administration. If
51 9 nationally accepted standards for oral fluid tests have not
51 10 been adopted by the federal substance abuse and mental health
51 11 services administration, the standards for determining
51 12 detectable levels of controlled substances for purposes of
51 13 determining a confirmed positive test result shall be the same
51 14 standard that has been established by the federal food and
51 15 drug administration for the measuring instrument used to
51 16 perform the oral fluid test.

51 17 Sec. 113. Section 812.9, subsection 4, Code 2005, is
51 18 amended to read as follows:

51 19 4. ~~If upon termination of~~ the defendant's placement is
51 20 ~~terminated~~ pursuant to subsection 2 or pursuant to section
51 21 812.8, subsection 8, and it appears thereafter that the
51 22 defendant has regained competency, the state may make
51 23 application to reinstate the prosecution of the defendant and
51 24 hearing shall be held on the matter in the same manner as if
51 25 the court has received notice under section 812.8, subsection
51 26 4.

51 27 Sec. 114. 2004 Iowa Acts, chapter 1021, section 117, is
51 28 amended to read as follows:
51 29 SEC. 117. Sections 15E.149, 422.15, 486A.901, 486A.902,
51 30 486A.906, and 490A.1203, and ~~669.14~~, Code 2003, and section
51 31 669.14, Code Supplement 2003, as amended by this Act, are
51 32 amended by striking from the sections the figure and word "487
51 33 or" or the figure "487,".

51 34 Sec. 115. 2004 Iowa Acts, chapter 1052, section 4, is
51 35 amended by striking the section and inserting in lieu thereof
52 1 the following:

52 2 SEC. 4. Section 602.8102, subsection 78, Code Supplement
52 3 2003, is amended to read as follows:

52 4 78. Certify an acknowledgment of a written instrument
52 5 relating to real estate as provided in section 9E.10 or
52 6 558.20.

52 7 Sec. 116. 2004 Iowa Acts, chapter 1084, section 8, the
52 8 portion enacting section 812.6, subsection 3, Code 2005, is
52 9 amended to read as follows:

52 10 3. A defendant ordered to obtain treatment or committed to
52 11 a facility under this section may refuse treatment by
52 12 chemotherapy or other somatic treatment. The defendant's
52 13 right to refuse chemotherapy treatment or other somatic
52 14 treatment shall not apply if, in the judgment of the director
52 15 or the director's designee of the facility where the defendant
52 16 has been committed, ~~determines~~ such treatment is necessary to
52 17 preserve the life of the defendant or to appropriately control
52 18 behavior of the defendant which is likely to result in
52 19 physical injury to the defendant or others. If in the
52 20 judgment of the director of the facility or the director's
52 21 designee where the defendant has been committed, chemotherapy
52 22 or other somatic treatments are necessary and appropriate to
52 23 restore the defendant to competency and the defendant refuses
52 24 to consent to the use of these treatment modalities, the
52 25 director of the facility or the director's designee shall
52 26 request from the district court which ordered the commitment
52 27 of the defendant an order authorizing treatment by
52 28 chemotherapy or other somatic treatments.

52 29 Sec. 117. 2004 Iowa Acts, chapter 1141, section 34, is
52 30 amended to read as follows:

52 31 SEC. 34. Section 68B.35, Code Supplement 2003, and
52 32 sections 536.13, 536.23, and 536.28, Code 2003, are amended by
52 33 striking from the sections the words "state banking board" and
52 34 "banking board" and "board" when referring to the state
52 35 banking board and inserting in lieu thereof the words "state
53 1 banking council" or "council", as appropriate.

53 2 Sec. 118. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

53 3 1. The section of this Act amending 2004 Iowa Acts,
53 4 chapter 1052, section 4, takes effect upon enactment and
53 5 applies retroactively to July 1, 2004.

53 6 2. The section of this Act amending 2004 Iowa Acts,
53 7 chapter 1084, section 8, takes effect upon enactment and
53 8 applies retroactively to July 1, 2004.

53 9 3. The section of this Act amending 2004 Iowa Acts,
53 10 chapter 1141, section 34, takes effect upon enactment and
53 11 applies retroactively to July 1, 2004.

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53 15 _____
53 16 JEFFREY M. LAMBERTI
53 17 President of the Senate

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53 19 _____
53 20 CHRISTOPHER C. RANTS
53 21 Speaker of the House
53 22

53 23 I hereby certify that this bill originated in the Senate and
53 24 is known as Senate File 113, Eighty-first General Assembly.

53 25
53 26
53 27 _____
53 28 MICHAEL E. MARSHALL
53 29 Secretary of the Senate

53 30 Approved _____, 2005

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53 33 _____
53 34 THOMAS J. VILSACK
53 35 Governor